

1 THE HONORABLE RONALD B. LEIGHTON  
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9 CLERK U.S. DISTRICT COURT  
10 WESTERN DISTRICT OF WASHINGTON AT TACOMA  
11 BY DEPUTY  
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13 UNITED STATES DISTRICT COURT  
14 WESTERN DISTRICT OF WASHINGTON  
15 AT TACOMA

16 CAREFREE CARTAGE, INC., an Illinois  
17 corporation; GREAT WEST CASUALTY  
18 COMPANY, a Nebraska corporation,

19 Plaintiffs,

20 v.

21 HUSKY TERMINAL AND STEVEDORING, INC., a  
22 Delaware corporation; and PORT OF TACOMA, a  
23 municipal corporation in the State of Washington,

Defendants.

No. C07-5294 RBL

STIPULATED MOTION AND  
ORDER TO CONTINUE BY ONE  
WEEK THE NOTING DATE FOR K-  
LINE'S MOTION TO STRIKE AND  
DISMISS ALLEGATIONS OF  
ADMIRALTY JURISDICTION AND  
RULE 14(C)

HUSKY TERMINAL AND STEVEDORING, INC., a  
Delaware corporation,

Third Party Plaintiff,

v.

KAWASAKI KISEN KAISHA, LTD., d/b/a "K" Line,  
a Japanese corporation,

Third Party Defendant.

STIPULATED MOTION AND ORDER TO CONTINUE K-LINE'S  
MOTION NOTING DATE BY ONE WEEK

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## I. MOTION

Third Party Defendant, Kawasaki Kisen Kaisha, Ltd. ("K" Line") and Defendant and Third Party Plaintiff Husky Terminal and Stevedoring, Inc. ("Husky"), through their respective counsel of record, jointly move to continue the present November 2, 2007 noting date for "K" Line's Motion to Strike and Dismiss Allegations of Admiralty Jurisdiction and Rule 14(C) by one (1) week to November 9, 2007, for the purpose of allowing "K" Line additional time to investigate certain factual allegations raised in Husky's Opposition to "K" Line's Motion.

## II. STIPULATION

1. Plaintiffs, Carefree Cartage, Inc. and Great West Casualty Co., filed a  
Complaint against Defendants Husky and Port of Tacoma seeking damages related to an  
incident resulting in the alleged release or threatened release of epichlorohydrin.

2. Defendant Husky filed a third party complaint against "K" Line seeking indemnification and contribution, among other relief.

3. "K" Line brought the subject Motion to Strike and Dismiss Allegations of Admiralty Jurisdiction and Rule 14(C). The Motion was noted for November 2, 2007, and Husky filed its Opposition on October 29, 2007.

4. Husky's Opposition raises factual allegations which may be determinative of the Motion, requiring further investigation on the part of "K" Line, and which may also require "K" Line to obtain an affidavit.

5. The necessary investigation cannot be accomplished, nor can an affidavit be obtained, before the November 2, 2007 noting date.

STIPULATED MOTION AND ORDER TO CONTINUE K-LINE'S  
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1       6. This stipulation is an agreement, and request, that the November 2, 2007  
2 noting date be extended by one (1) week to November 9, 2007 to allow "K" Line to conduct  
3 the necessary investigation and obtain any necessary affidavit.

4       **STIPULATED AND AGREED TO:**

5       DATED this 2<sup>nd</sup> day of November, 2007.

6       *s/Thomas F. Paul*

7       Thomas F. Paul, Esq., WSBA #2262  
8       Attorneys for Defendant Kawasaki Kisen  
9       Kaisha, Ltd., d/b/a "K" Line  
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6       *s/Thomas G. Johnson*

7       Thomas G. Johnson, Esq., WSBA #8929  
8       Attorneys for Defendant Husky Terminal  
9       and Stevedoring, Inc.  
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12       *s/Rodney Q. Fonda*

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12       *s/Dennis Smith*

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15       Inc. and GWCC  
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23       **STIPULATED MOTION AND ORDER TO CONTINUE K-LINE'S  
MOTION NOTING DATE BY ONE WEEK**

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### III. [proposed] ORDER

IT IS HEREBY ORDERED that the November 2, 2007 noting date be extended by one (1) week to November 9, 2007 to allow "K" Line to conduct the necessary investigation and obtain an affidavit, if necessary.

The clerk is directed to send attested copies of this order to all counsel of record.

DATED this 5<sup>th</sup> day of November, 2007, in Seattle, Washington.

THE HONORABLE RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE

Presented by:

*/s/Thomas F. Paul*

Thomas F. Paul, Esq., WSBA #2262  
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**STIPULATED MOTION AND ORDER TO CONTINUE K-LINE'S  
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